

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

Of previously pending claims 1-33, all were rejected. Claims 1, 3-7, 13-26 and 32 were rejected under 35 U.S.C. §101 for lack of utility. Accordingly, independent claims 1 and 32 have been amended to include the respective limitations of claims 2 and 33, which have been canceled. Independent claims 13 and 20 have been amended to avoid claiming an apparatus for verifying an optical connection *per se*.

Claims 8, 28 and 33 were rejected for indefiniteness under 35 U.S.C. §112, second paragraph. The term, "said cord," in lines 2 or 3 of the claims were said to lack antecedent basis. The applicant believes that Amendment A had corrected claims 8 and 28. Claim 33 has been amended accordingly in the current amendment.

Independent claims 1 and 32 were rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 6,590,659, which issued July 8, 2003 to I. Melnyk *et al*. The applicant respectfully disagrees with the rejection. The Examiner asserts that, "Melnyk et al teach generating a multi-wavelength signal (column 2, lines 16-24). In that he strips a first end (claim 3 of Melnyk et al) of the cord and sends the signal through it, this reads on the transmitting portion." This is not true.

As stated in col. 2, lines 4-8, of the Melnyk patent:

According to the present invention, the colored wires or fibers in the cable are identified by illuminating of each colored plastic buffer with a white light and by detecting reflected light with at least three photodiodes with attached color filters that are close to standard R, G and B filters.

The light reflected off the plastic buffers of the wires or fibers passes directly to a photodetector 198 (Fig. 13) or two photodetectors 212 and 214 (Fig. 14). See col. 8, line 24 to col. 9, line 10 with respect to Figs. 13 and 14. The Melnyk reference does not show a transmitting step, as called for in claim 1, nor a means for transmitting, as called for in claim 32. Hence claims 1 and 32 should not be rejected for obviousness over the Melnyk reference. Furthermore, the amendments to claims 1 and 32 further distinguish the applicant's invention over the Melnyk reference.

Claims 1-15, 20-22, and 27-33 were rejected under 35 U.S.C. §103(a) for obviousness over U.S. Patent No. 6,920,287, which issued July 8, 2003 to M.R. Hinds *et al.*, in view of the previous cited Melnyk patent. The Examiner reasoned:

Although Hinds does not teach specifics that his verification signal is comprised of plural distinct colors wherein magnitudes indicate the connection identifier, he teaches that he compares the received signal with predefined connection models that are stored. Melnyk *et al* teach a similar system which uses different colors RGB) [sic] and magnitudes in order to compare with stored information in order to provide a verification signal. It would have been obvious to use plural wavelengths as taught by Melnyk in the system of Hinds in order to provide a more unique signal that is easier to send and detect.

The applicant respectfully disagrees. The purportedly similar system of Melnyk is a handheld apparatus for identifying the color of the buffer, i.e., the protective layer, of a wire or fiber. Hinds *et al.*, on the other hand, appear to send messages through an optical fiber. The messages contain “at least the following information: the type of card, card location, port identification, card slot location and network element (NE) identification.” Col. 6, lines 51-54. The applicant does not understand why one would combine the Melnyk portable handheld device into the Hinds system. Given the amount of information which Hinds *et al.* send, the applicant does not understand the Melnyk plural wavelengths to be easier to send and to detect. Furthermore, how one would combine the Melnyk portable handheld device into the Hinds system is not understood.

Hence independent claims 1, 8, 12, 20, 28 and 32 are not obvious over the cited Hinds and Melnyk patents and should be allowable. Claims 2-7, 9-11, 13-19, 21-27, and 29-31 should also be allowable for at least being dependent upon allowable base claims.

Therefore, in view of the amendments above and the remarks directed thereto, the applicant respectfully requests that all rejections be removed, that claims 1 and 3-32 be allowed and the cases be passed to issue. If the Examiner believes a telephone conference would expedite prosecution of this application in any way, please contact the undersigned at (408) 868-4088.

Respectfully submitted,

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